

*Clear* *CA: 05-30035*  
*J. P. M...*

**CERTIFIED COPY**  
**United States Court of Appeals**  
**For the First Circuit**

No. 06-1521

MICHAEL GARNER,  
Petitioner, Appellant,

v.

MICHAEL A. THOMPSON, SUPERINTENDENT,  
MCI SHIRLEY,

Respondent, Appellee.

Before

Boudin, Chief Judge,  
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: June 20, 2006

Appellant, Michael Garner, applies for a certificate of appealability ("COA") after the United States District Court for the District of Massachusetts denied his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and denied him a COA.

Having carefully reviewed appellant's claims, we **DENY** the application for the reasons stated in the district court's March 17, 2006 memorandum and order denying appellant's motion for a COA and its February 23, 2006 memorandum and order denying his petition for writ of habeas corpus.

The appeal is **TERMINATED**.

By the Court:

Richard Cushing Donovan, Clerk.

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AND IN MY LEGAL CUSTODY.

By: MARGARET CARTER  
Chief Deputy Clerk.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: [Signature] Date: 6-20-06

[Cert. cc: Hon. Michael A. Ponsor and Sarah A. Thornton, Clerk,  
U.S.D.C. of Massachusetts, cc: Messrs: Turner, Katz and Lieber]